

**METROPOLITAN NASHVILLE-DAVIDSON COUNTY  
TRANSPORTATION LICENSING COMMISSION**

**Minutes of**

**March 28, 2006**

The Metropolitan Nashville-Davidson County Transportation Licensing Commission (the "Commission") met in regular session on this date at the Metropolitan Nashville General Sessions Judicial Complex in Metro Center. The Commissioners present were Vice Chair A. Roger Abramson and Commissioners Ray Dayal, Gladys Lozada, Holly Sharp, Kim Thompson, and James Utley (6). Also attending were Metro Legal advisor Jason Bergeron, Commission staff member Lisa Steelman, and Brian McQuiston, Director-Executive Secretary to the Commission.

**Vice Chair A. Roger Abramson** called the meeting to order and led the Pledge of Allegiance.

The minutes of the February 28, 2006 meeting were unanimously approved.

**SHOW CAUSE HEARING: CHAPMAN'S WRECKER SERVICE**

Mr. John Graham, partner in Chapman's Wrecker Service, appeared before the Commission with counsel, Mr. James Bryan Lewis. Mr. Michael McGovern, representing partner Robert Chitwood, also appeared. Mr. Chitwood did not appear. **Vice Chair A. Roger Abramson** opened the show cause hearing on Chapman's Wrecker Service, and asked Director McQuiston to summarize the reasons for the hearing.

Director McQuiston explained that Mr. Chitwood, owner of Chapman's Wrecker Service, had requested and received Commission approval to add Mr. Graham as a full partner in 2004; but when the company had applied for annual renewal of the emergency wrecker zone license in December 2005, the application form had listed the owners as Mr. Graham and his son. Director McQuiston stated that he had advised Mr. Graham and Mr. Chitwood that this amounted to a transfer of the zone license; subsequently, Mr. Graham and three other wrecker companies had submitted applications for transfer of the zone. At the February 28, 2005 public hearing on the applications, Mr. Chitwood had appeared before the Commission to oppose the transfer. Commission Chair Cynthia Odle had therefore deferred the public hearing, and had ordered Mr. Chitwood and Mr. Graham to appear for this show cause hearing, to answer why the owners had not properly applied for the license and/or the transfer of the license.

Mr. Lewis stated that Mr. Chitwood had transferred ownership of Chapman's Wrecker Service to Mr. Graham, and presented documents to that effect. Mr. McGovern stated that some of these documents were incomplete or inaccurate, as they did not include some modifications made to the original drafts. He did not dispute the transfer of company ownership; but he argued that Mr. Chitwood had not transferred his interest in the emergency zone wrecker license, and reiterated that Mr. Chitwood did not want to surrender the license. He recommended that the license be reissued in the names of Mr. Chitwood and Mr. Graham. Mr. Lewis pointed out that Mr. Chitwood had no equipment and no capability to satisfy the requirements of the license. **Vice Chair A. Roger Abramson** stated that the new ownership appeared to be Mr. Graham and his son. He asked Mr. McGovern why Mr. Chitwood wanted to retain the license, as there appeared to be no dispute over the ownership of the company. Mr. McGovern responded that there might be future value to the wrecker zone license.

**Commissioner Holly Sharp** asked Metro Legal advisor Bergeron for an opinion. Mr. Bergeron stated that, in case of a change in company ownership, the Metro Code places the burden on the new ownership to apply for a transfer of the license.

Mr. Lewis asked about the Commission's policy related to the transfer of a zone from one partner to another, reasoning that no application for transfer had been required when Mr. Chitwood added Mr. Graham as a partner in 2004. He recommended that the emergency zone wrecker license be transferred to Mr. Graham without considering other applicants as stipulated under section 6.80.545.D. Mr. McGovern argued that such a transfer of the license could not be undertaken without Mr. Chitwood's consent.

Mr. Bergeron noted that there was no requirement for a Commission decision at this hearing. **Vice Chair A. Roger Abramson** stated that the Commission would take the information and arguments presented under advisement. Mr. Lewis asked that the documents he had provided become part of the record. Mr. McGovern asked that he be allowed to supplement these, as appropriate. The show cause hearing was concluded.

### **PUBLIC HEARING: PROPOSED AMENDMENT TO ORDINANCE – WRECKER DRIVER BACKGROUND CHECKS**

Director McQuiston introduced a proposed change to the wrecker ordinance, for the purpose of improving background checks on wrecker drivers. He stated that the current system was inadequate to provide for public safety because it limited access of criminal background information on applicants to Davidson County convictions only. He stated that the TBI's new Tennessee Open Records Information System, or TORIS, could expand these background checks to include information on arrests and convictions state-wide. He then cited Section 6.80.330.A of the Wrecker and Towing Services ordinance:

**“A driver's permit issued by the commission to a driver or driver's helper permitting such person to drive, ride in or assist in the operation of a wrecker shall be issued for a period of two years at a fee of twenty dollars, plus an additional ten dollars for an investigation of the person applying for the permit.”**

Because the cost of accessing TORIS for background investigations would exceed ten dollars, Director McQuiston recommended that the Commission approve a proposal to amend the wording of Section 6.80.330.A, to replace **“plus an additional ten dollars for an investigation”** in that section with **“plus the cost of investigation.”**

**Vice Chair A. Roger Abramson** opened the public hearing.

Mr. Randy Bailey, of Bailey's Wrecker Service, stated that he thought the change was a good idea; but added that the checks should not be limited to drivers of the emergency zone wrecker companies. He noted that some experienced general wrecker drivers applying for work with his company had not held prior permits.

Randy Bombard, of West Nashville Wrecker Service, stated that his company already did a nationwide background check on its drivers.

There was no other public comment, and the public hearing was closed. **Commissioner Holly Sharp** moved to amend Section 6.80.330.A, as recommended. **Commissioner Gladys Lozada** seconded, and the motion passed unanimously.

### **APPLICATION FOR GENERAL WRECKER LICENSE – INTERSTATE TOWING**

Director McQuiston informed Commissioners that Interstate Towing had been licensed as a general wrecker service until December 1, 2005. He stated that, despite written and telephonic reminders, neither the company's owner nor any of its drivers had applied to renew their licenses and permits, but they had continued to perform nonconsent towing. After the company had been notified that a warrant had been issued against the owner of the property where the business was operating, Mr. Parrish applied for the license. Mr. William Parrish, owner of Interstate Towing, appeared before the Commission. **Vice Chair A. Roger Abramson** asked Mr. Parrish why he had not renewed the license; Mr. Parrish responded that he was busy, and forgot to renew. He admitted that the company was still operating without a license, and with unlicensed drivers. Following discussion with Director McQuiston and Metro Legal advisor Bergeron concerning other options for dealing with these violations, **Commissioner Ray Dayal** moved to approve Interstate Towing's license application. **Commissioner Holly Sharp** seconded, and the motion was passed unanimously.

**APPLICATION FOR WRECKER DRIVER PERMIT – WILLIAM PARRISH**

Director McQuiston informed Commissioners that Mr. Parrish had allowed his wrecker driver permit to expire in December 2005. When he re-applied in February 2006, a background check revealed that he had not disclosed an arrest in October 2005 for assault, domestic bodily injury; the court hearing on this case was still open. **Vice Chair A. Roger Abramson** asked Mr. Parrish about the assault charge. Mr. Parrish stated that the arrest had followed a dispute with his wife; he was attending anger management classes. Director McQuiston stated that the case was due to be heard in court on April 17. **Commissioner Holly Sharp** moved to deny Mr. Parrish’s application. **Commissioner Ray Dayal** seconded, and the motion was passed unanimously.

There was no further business, and the meeting was adjourned.

ATTEST:

APPROVED:

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Brian E. McQuiston  
Director-Executive Secretary

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Cynthia M. Odle  
Chair